

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL L. OVERTON,
Plaintiff,
v.
GOVERNOR OF THE STATE OF
CALIFORNIA, *et al.*,
Defendants.

Case No. 2:23-cv-00468-JDP (PC)

ORDER DIRECTING PLAINTIFF TO FILE
AN APPLICATION TO PROCEED IN
FORMA PAUPERIS OR PAY THE FILING
FEE

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has not, however, filed an *in forma pauperis* affidavit or paid the required filing fee of \$350.00 plus the \$52.00 administrative fee.¹ See 28 U.S.C. §§ 1914(a), 1915(a). Plaintiff will be provided the opportunity either to submit the appropriate affidavit in support of a request to proceed *in forma pauperis* or to submit the required fees totaling \$402.00.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Plaintiff shall submit, within thirty days from the date of this order, an affidavit in support of his request to proceed *in forma pauperis* on the form provided by the Clerk of Court,

¹ If leave to file *in forma pauperis* is granted, plaintiff will still be required to pay the filing fee but will be allowed to pay it in installments. Litigants proceeding *in forma pauperis* are not required to pay the \$52.00 administrative fee.

1 or the required fees in the amount of \$402.00; plaintiff's failure to comply with this order will
2 result in a recommendation that this action be dismissed; and

3 2. The Clerk of the Court is directed to send plaintiff a new Application to Proceed In
4 Forma Pauperis By a Prisoner.

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6 IT IS SO ORDERED.

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8 Dated: March 17, 2023


9 JEREMY D. PETERSON
10 UNITED STATES MAGISTRATE JUDGE
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